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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,465	08/03/2001	David M. Czech	11694/04101	7030

27483 7590 08/18/2003

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CLEVELAND, OH 44114

EXAMINER

KOCH, GEORGE R

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 08/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n No.

09/921,465

Applicant(s)

CZECH ET AL.

Examin r

George R. Koch III

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of group I, claims 1-5 and 8-13 in Paper No. 7 is acknowledged.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 16-20 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The material not in the specification at the time the application was filed includes:

- a. A database of case studies based on operational systems to facilitate remote system configuration based on analogous operating parameters;
- b. The case studies database being accessible from a public web page;
- c. A video link to permit remote visual monitoring of an operational system;
- d. System sensors for detecting wear characteristics, the sensors being accessed via the monitoring program;

- e. A multilingual interface for international customer service.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 8 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Jahn et al (US Patent 6,073,055).

Jahn discloses a system for configuring a spaying application system, comprising user input device (for example, Figure 2, items 160) remotely located from a manufacturing site (for example, paint laboratories 132 and paint manufacturing laboratories 136), a configuration program accessible by the user input device over a communications network (item 169, called an network such as an Intranet or Extranet - see column 4, lines 24-40). Jahn also discloses that the configuration program presents component selection based on input data from the user input device, and the configuration program verifying component capability (see, especially Figures 6a and 6b, item 342, which shows values and options - See also column 6, line 60 to column 7, lines 15).

As to claim 3, Jahn discloses a pricing and inventory database (see Figure 7b, which discloses \$ per car, \$ per Kg/gal, and other price measures, and Figure 7a, which discloses in item 372, material data, material information and consumption, and in item 368, equipment list, accessories - see column 8).

As to claim 8, Jahn discloses the spraying application system (the paint laboratories), the programs that monitor the spraying application system (for example, figures 6a and 6b), the formatting of operating data into signals accessible via the network (an example of such is shown in Figure 9), and a remote access program that enables a remote computer (item 160) to acquire the operating data via the network.

As to claim 19, Jahn discloses monitoring the wear characteristics, for example, whether the equipment needs cleaning (see Figures 7a and 8, and especially Figure 10a and 10b. See also column 7, line 16 to column 11, line 65).

6. Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Madden et al (US Patent 6,516,239 B1).

As to claim 1, Madden discloses a system for configuring an automotive assembly line including a spraying application system (see, for example, column 2, lines 62-65; column 7, lines 8-28), a user input device (see, for example, item 212, Figure 2), a configuration program accessible by the user input device over a communication network, the configuration program presenting component selection options based on input data from the user input device, the configuration program verifying component compatibility (see Figure 2 and column 14, line 62, to column 23, line 17)

As to claim 2, Madden discloses an internet connection (column 16, line 53).

As to claim 4, Madden discloses using secure web sites via known commercial solutions such as Internet Explorer™ and Netscape Navigator™ which present secure connections.

7. Claims 1-4, 8, 9, 11, 12, 14, are rejected under 35 U.S.C. 102(e) as being anticipated by Friel et al (US Patent Publication 2003/0110101 A1).

As to claim 1, Friel discloses a system for configuring an automotive assembly line including a spraying application system (see, for example, Figure 1, and paragraphs 0019, 0020, etc), a user input device located remotely from the manufacturing location (see, for example, items 131-133, and see especially paragraphs 0022, 0032 and 0033), a configuration program accessible by the user input device over a communication network, the configuration program presenting component selection options based on input data from the user input device, the configuration program verifying component compatibility (see paragraphs 0028-0033).

As to claim 2, Friel discloses an Internet connection (see paragraph 0029).

As to claim 3, Friel discloses accessing a pricing and inventory database (see Figures 3a, 3b, 3c, and 3d, see also paragraphs 0024 to 0027).

As to claim 4, Friel discloses using secure web sites via known commercial solutions such as Internet Explorer™ and Netscape Navigator™ which are capable of presenting secure connections (paragraph 0022).

As to claim 8, Friel discloses the spraying application system (see Figure 1, items 120, 124, etc, see also paragraphs 0017 through 0021)), the programs that monitor the spraying application system (for example, computer 121, 122, and data connections 128 in paragraphs 0020-0028), the formatting of operating data into signals accessible via the network (paragraph 0025), and a remote access program that enables a remote computer (see, for example, items 131-133, and see especially paragraphs 0022, 0032 and 0033) to acquire the operating data via the network.

As to claim 9, Friel discloses an Internet connection (see paragraph 0029).

As to claim 11, Friel discloses using secure web sites via known commercial solutions such as Internet Explorer™ and Netscape Navigator™ which are capable of presenting secure connections (paragraph 0022).

As to claim 12, Friel discloses using a server connected to the communication network (see Figure 1, items 130, 140, and 131-133. Item 130 is the communication network and item 140 is the server).

As to claim 14, Friel discloses a drag and drop interface to permit a user to configure a system (see screen shot on Figure 2, see also paragraph 0023)

As to claim 15, Friel's screen shot is considered a wizard option to generate a configured system based on response inputs from the user to a number of questions. The configured system is the overall price (see item 250, Figure 2). Furthermore, Friel discloses more sophisticated wizard systems (see paragraph 0024).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 2, 4, 9, 10, 11, 13, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jahn as applied to claims 1, 3 and 8 above, and further in view of Corrigan (US Patent 6,522,977).

As to claims 2 and 9, Jahn discloses that the input device comprises a personal computer, but is silent as to the use of the Internet.

Corrigan discloses a paint matching and spraying system in which desired color values are transmitted via the internet (see column 6, lines 12-22). The internet is well known for providing an affordable communications solution and dispenses with the need for a proprietary communications system which can be cost prohibitive. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to



have utilized the internet instead of a proprietary extranet or intranet in order to reduce communication costs and allow laboratories to be situated at greater distances.

As to claim 4 and 11, Jahn is silent as to the use of a secure website or a secure web page accessible via the Internet.

Corrigan discloses that the data should be secure, by being encrypted, in order to protect confidentiality of proprietary information (column 6, lines 21-22). Furthermore, the use of web sites to convey information across the internet as in Corrigan is considered well known and conventional, and in fact, is considered the most conventional mechanism for conveying information across the internet, as it utilizes a low cost mechanism for transmitting information. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilize secure information and convey the information across the internet via web sites in order to provide a secure yet cost effective transmission.

As to claim 10, Jahn does not disclose that the secure database contains historical operating parameter information, the secure database being accessible by remote computer.

As to claim 13, Jahn does not disclose that the input device is capable of accessing a database of test data and configuration data to facilitate troubleshooting.

As to both claims 10 and 13, Corrigan discloses a remote computer or user input device (associated with manufacturing sites) which accesses a database historical operating parameter information for future use, such as different paint formulations (see column 3, lines 19-36; column 7, line 23 to column 13, line 32 which

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disclose the search of the closest paint formulation from historical test and operating data, especially in column 12, lines 9-16). Furthermore, this database accesses test data and configuration data which facilitates troubleshooting and improvement of the color choices (see columns cited above). Corrigan discloses that this system improves the color quality and choices and the matching capabilities. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized such a database in order to improve the color matching capabilities, the color quality choices and to harmonize results from different manufacturing sites.

Furthermore, as to claim 13, Jahn discloses error correction, i.e., troubleshooting, of the system (see column 8).

Furthermore, as to claims 16 and 17, Corrigan's historical database which is accessible from the internet includes prior results of color matching and painting tinting operations (see column 5, lines 51-62). Furthermore, it is notoriously well known and conventional to perform this access via web pages. Thus, Corrigan's database is a database of case studies based on operational systems to facilitate remote system configuration based on analogous operation parameters. As mentioned above in the rejection of claims 10 and 13, Corrigan discloses that this system improves the color quality and choices and the matching capabilities. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized such a database with case studies accessible from a web page in order to improve the color matching capabilities, the color quality choices and to harmonize results from different manufacturing sites.

11. Claims 4, 10, 11, 13, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friel as applied to claim 8 above, and further in view of Corrigan (US Patent 6,522,977).

As to claim 4 and 11, the selection of Internet Explorer <sup>™</sup> or Netscape Navigator <sup>™</sup> in Friel can alternatively be interpreted as not disclosing the use of secure websites or web pages, and just using nonsecure websites or web pages via the internet.

Corrigan discloses that communications by computer should be secure, such as by encryption. Corrigan further discloses that one would do this in order to preserve the confidentiality of proprietary information. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used secure websites or secure web pages in order to preserve the confidentiality of proprietary information.

As to claim 10, Friel does not disclose that the secure database contains historical operating parameter information, the secure database being accessible by remote computer.

As to claim 13, Friel does not disclose that the input device is capable of accessing a database of test data and configuration data to facilitate troubleshooting.

As to both claims 10 and 13, Corrigan discloses a remote computer or user input device (associated with manufacturing sites) which accesses a database historical operating parameter information for future use, such as different paint formulations (see column 3, lines 19-36; column 7, line 23 to column 13, line 32 which

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disclose the search of the closest paint formulation from historical test and operating data, especially in column 12, lines 9-16). Furthermore, this database accesses test data and configuration data which facilitates troubleshooting and improvement of the color choices (see columns cited above). Corrigan discloses that this system improves the color quality and choices and the matching capabilities. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized such a database in order to improve the color matching capabilities, the color quality choices and to harmonize results from different manufacturing sites.

Furthermore, as to claims 16 and 17, Corrigan's historical database which is accessible from the internet includes prior results of color matching and painting tinting operations (see column 5, lines 51-62). Furthermore, Friel discloses that it is known to perform this access via web pages. Thus, Corrigan's database is a database of case studies based on operational systems to facilitate remote system configuration based on analogous operation parameters. As mentioned above in the rejection of claims 10 and 13, Corrigan discloses that this system improves the color quality and choices and the matching capabilities. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized such a database with case studies accessible from a web page in order to improve the color matching capabilities, the color quality choices and to harmonize results from different manufacturing sites.

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12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over either of Jahn as applied to claims 1, or Friel over claim 1 above, and further in view of Hollstein et al (US Patent 6,105,886)

Jahn and Friel both disclose spray application systems, but are silent as to the elements of the spray application system. One in the art would immediately appreciate that any conventional spray system could be used.

Hollstein discloses a spraying application system including a spray gun (item 10), a nozzle (item 39), and a powder pump (column 8, lines 60-65). Hollstein's spray apparatus is designed with modular parts (lines 62-65), which makes it easy to replace damaged or defective parts. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the powder coating apparatus of Hollstein in order to provide a modular design with low repair or upgrade costs.

13. Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over either of Jahn as applied to claims 8, or Friel as applied to claim 8 above, and further in view of Levy (US 5,240,503).

Jahn and Friel do not disclose a video link permitting remote visual monitoring of an operational system.

Levy discloses that the operator is located within a comfortable enclosure, such as a controlled-environment trailer, and is able to observe the progress of the system through real-time video images transmitted from a camera appropriately located on the device (column 8, lines 20-35). The operator is able to remotely control the direction

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and zoom of the camera, in addition to being able to control the treatment device itself. Control signals can be transmitted to the system through a communications cable or wirelessly. One in the art would immediately appreciate that the remote video link and the controlled environment booth protects the operator from the adverse environment of the operational system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized such a video link in order to ensure the operators comfort and safety from the adverse environment of the operation.

14. Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over either of Jahn as applied to claims 8, or Friel as applied to claim 8 above, and further in view of Patel (US Patent 4,941,182).

Jahn and Friel do not disclose a video link permitting remote visual monitoring of an operational system.

Patel discloses adjusting the painting operation of an automobile via CRT monitors (abstract, specification as a whole). One in the art would immediately appreciate that the remote video link and the controlled environment booth protects the operator from the adverse environment of the operational system, as well as allows correction of improper operation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized such a video link in order to ensure the operators comfort and safety from the adverse environment of the operation and ensure proper functioning of the painting operation.

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15. Claims 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over either of Jahn as applied to claims 8, or Friel as applied to claim 8 above, and further in view of Drummond et al (US Patent 6,289,320 B1)

Jahn and Friel are silent as to the use of multilingual interfaces.

Drummond discloses a computer system for accessing information in which a multilingual interface can be used (column 11, lines 41-52). One of ordinary skill in the art would appreciate that multilingual interfaces allow for more access to customers, increasing economic benefits. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized a multilingual interface in

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (703) 305-3435 (TDD only). If the applicant cannot make a direct TDD-to-TDD call, the applicant can communicate by calling the Federal Relay Service at 1-800-877-8339 and giving the operator the above TDD number. The examiner can normally be reached on M-Th 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

A handwritten signature in black ink, appearing to read "G. Koch III", with a stylized flourish at the end.

George R. Koch III  
August 2, 2003

A handwritten signature in black ink, appearing to read "R. Crispino", with a stylized flourish at the end.

RICHARD CRISPINO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700